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24 October 2017

Ref: 171046.1L

NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Director – Key Sites Assessments

Dear Sir/Madam,

Re: Submission – MP 06_0101 MOD 2 and SSD 8135 for premises known as 77-123 Eveleigh Street, Redfern

Introduction

We act on behalf of our clients', the owners and occupiers of apartments 1802/157 and 1803/157 Redfern Street, Redfern who are located in close proximity to the proposed development site across the existing railway corridor between Redfern and Central Station.

Our clients' are located on level 18 of 157 Redfern Street and enjoy iconic views of the Anzac Bridge across to the Sydney City CBD which are currently unimpeded both from respective living area and/ or balcony, bedroom of apartment 1803 and rooftop terraces. We have been retained to review the subject application and if there are valid town planning grounds of concern, to raise those for consideration in the assessment of the application.

After reviewing the application documentation, the relevant planning controls and undertaking an inspection of the existing views from apartment 1802 and 1803, it is considered that the proposal would have a significant adverse impact on the amenity of our clients' property and surrounding area directly attributable to the excessive bulk and scale proposed which directly results in devastating view loss for our clients'.

In addition to the above, the documentation submitted by the Applicant is considered to be deficient in respect of assessment of impacts on view loss. On the above basis we are of the opinion that the application should be refused, especially as the case has not been made as to why the proposed bulk and scale is acceptable in the context where the highest buildings are 18 storeys not 24 storeys and with a significant "curtain wall" effect as proposed by the subject applications.

Context

Our clients' apartments as detailed above are located on level 18 of 157 Redfern Street, Redfern. Apartment 1802 has a balcony and rooftop courtyard and apartment 1803 has a living/dining area/kitchen, balcony, bedroom and rooftop courtyard which enjoy panoramic views extending from the west in a northerly direction and incorporating the Anzac Bridge, Barangaroo and the Sydney City CBD. The private rooftop courtyards are accessed via an internal spiral stair. Photos taken from those areas of each respective apartment are attached.

The proposed development site sits to the north-west of our clients' apartments across the railway corridor connecting Redfern and Central Stations. Apartment 1803 faces and is oriented to the north whilst apartment 1802 is oriented to the north-west.

Impact of the proposal on our clients' land

The areas of concern to our clients' and based on our review of the subject application are directly attributable to the excessive floor space and building height resulting in bulk and scale issues and view loss.

The documentation for the proposed development, in our opinion, has not demonstrated why the proposal should be supported. Most notably it fails to provide the necessary justification for the floor space and building heights, especially as there are devastating impacts with respect to view loss of the existing panoramic views of Anzac Bridge to Barangaroo. These issues are dealt with below.

A. Floor Space

The proposed development seeks to provide for a large bulky building up to 24 storeys in height which would have the appearance of a "curtain wall" from our clients' property.

It is clearly not the case that no substantive adverse impacts arise from the bulk proposed. Loss of existing panoramic Anzac Bridge to Barangaroo views are substantive adverse impacts directly attributable to the proposed bulk. On this basis alone the application must fail.

In determining whether the bulk proposed is appropriate, the following well established urban design criteria should be considered.

- The floor space does not result in excessive bulk and scale; and
- The floor space does not result in any significant detrimental impacts to surrounding development.

It is clearly not the case that the floor space does not result in excessive bulk and scale and any significant detrimental impacts to surrounding development. As detailed in this submission, loss of existing panoramic Anzac Bridge to Barangaroo views are substantive adverse impacts directly attributable to the proposed FSR.

B. Building Height

The proposal at 24 storeys would be well in excess of the maximum height limit established in the area of eighteen (18) storeys.

It is clearly not the case that no substantive adverse impacts arise from the height proposed. Loss of existing panoramic Anzac Bridge to Barangaroo views are substantive adverse impacts directly attributable to the proposed height. On this basis alone the application must fail.

In determining whether the height proposed is appropriate, the following well established urban design criteria should be considered.

- The height does not result in excessive bulk and scale; and
- The height does not result in any significant detrimental impacts to surrounding development.

It is clearly not the case that the proposed height does not result in excessive bulk and scale and any significant detrimental impacts to surrounding development. As detailed in this submission, loss of existing panoramic views from Anzac Bridge to Barangaroo are substantive adverse impacts directly attributable to the proposed height.

C. Assessment against the Planning Principle for View Loss

Adopting the four-step assessment as outlined in the planning principle of Tenacity, we make the following assessment.

1. Assessment of views

The most valuable part of the existing views would be the panoramic Anzac Bridge to Barangaroo views. They are classified as iconic views and are highly valued.

2. From what part of the property are the views obtained.

The views are obtained from the living room and balcony from sitting and standing positions and private rooftop courtyard of apartment 1802 from sitting and standing positions and living room/dining/kitchen, bedrooms, balcony and private rooftop courtyard of apartment 1803 both in standing and sitting positions.

3. Extent of Impact

The proposed development would result in the following impact for each affected apartment as follows.

- All of the existing Anzac Bridge to Barangaroo views would be lost from all affected areas.

We would assess the loss of views as devastating as all of the views of the Anzac Bridge to Barangaroo would be taken away.

4. Reasonableness of the proposal

The proposal, as previously discussed, is higher and bulkier than any other development in the area. It exceeds the highest buildings by 6 storeys and presents a curtain wall across the Redfern to Central rail corridor.

As has been noted in this submission, it is as a result of the excessive FSR and building height that the impact on views arises. As noted in the judgement for Tenacity, even a moderate impact may be considered unreasonable. In this case the proposal has a devastating impact.

On the above basis, it is clear that the proposal does not comply with the planning controls or the principles as espoused in Tenacity because of the excessive FSR and building height and their direct impact on our clients' with respect to view loss.

Conclusion

Based on the above, we have concluded that the subject application should be refused. We have formed the view that the proposed development will have significant adverse impacts on our clients' existing views of the Anzac Bridge across to Barangaroo directly attributable to the excessive floor space and height proposed as detailed in this submission.

We would be pleased to discuss the above matters further if required. In the meantime, we look forward to being kept informed of progress on the processing of this application.

We also invite the assessing officer and the decision makers with respect to this matter to attend on-site to see first-hand the impact of the proposal before any reports or decision is made with respect to the application. Our office can be contacted to assist with making those arrangements.

Should you have any enquiries with respect to the above please do not hesitate to contact us to discuss.

Yours Faithfully,
DESIGN COLLABORATIVE PTY LTD

A handwritten signature in dark ink, appearing to read 'J Lidis', with a stylized flourish extending to the right.

J Lidis
Director